

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1560 OF 2016

(For Bail)

IN

CRIMINAL APPEAL (ST) NO.854 OF 2016

Omprakash alias Laddu alias Pintu .Applicant
Pande

Vs.

The State of Maharashtra .Respondent

Mr.P.Pandey, Advocate, for the Applicant
Ms A.A.Takalkar, APP, for the Respondent - State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.12.2016

P.C.

. Vide Judgment and Order dated 29.02.2016
passed by the learned Addl. Sessions Judge,
Greater Bombay in S.C.No.396 of 2014, the
Applicant alongwith other accused has been
convicted & sentenced as under;

- for the offence punishable under Section 399
of the Indian Penal Code to suffer R.I.for five
years and to pay fine of Rs.1,000/- each, in
default to suffer further S.I. for one month.

- for the offence punishable under Section 402 of the Indian Penal Code to suffer R.I. for two years and to pay fine of Rs.500/- each, in default to suffer further S.I. for one month.
- for the offence punishable under Section 25(1B)(a) r/w. Section 3 of the Arms Act to suffer R.I. for one year and to pay fine of Rs.500/- each. The sentences are directed to run concurrently.

The Applicant was, however, acquitted of the offences punishable under Sections 27 & 35 of the Arms Act.

2. Learned counsel for the Applicant states that co-accused have been enlarged on bail by this Court. Learned counsel for the Applicant states that the Applicant was on bail pending the trial and has not abused and misused the liberty granted to him. He states that the Applicant is presently in custody.

3. Perused the papers.

4. The Appeal has been admitted by a separate order passed in Appeal today. The Appeal is not likely to be heard in the immediate near future. The Applicant was on bail pending the trial and has not abused and misused the liberty granted to him.

5. Considering the aforesaid and considering the fact that co-accused have been enlarged on bail, the Application is allowed. The Applicant's sentence is suspended and the Applicant is enlarged on bail pending the hearing and final disposal of the Appeal on the following terms & conditions :-

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two local sureties in the like amount;

(ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from

time to time to the concerned Police Station and the trial Court;

(iii) The Applicant shall attend the trial Court on the first Monday once in three months between 10.00 a.m. to 11.00 a.m., commencing January, 2017, pending the hearing and final disposal of the Appeal. If the first Monday falls on a holiday, the Applicant shall attend the trial Court on the following working day.

(iv) In case of any consecutive default in attending the trial Court, the prosecution is at liberty to apply for cancellation of the Applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)